

Application. No. 10/688,056  
Amendment dated January 19, 2006  
Reply to Office Action of September 26, 2005

**REMARKS/ARGUMENTS**

Reconsideration of the above-identified application is respectfully requested in view of the foregoing amendments and the following remarks. Claims 2 - 20 have been cancelled. Claims 1, 30, 32, and 35 have been amended. Claims 1 and 21 - 35 remain in the case.

The present invention features a method of determining a correct dialing sequence for use in dialing any of a plurality of telephone numbers stored in a predetermined, consistent format. Because at any particular location, each of the plurality of telephone numbers may need to be dialed using a different dialing sequence than a dialing sequence appropriate at a different location, it is important that an automatic dialing apparatus be easily able to determine an appropriate dialing sequence, regardless of location. For example, an application program running on a personal computer system may have to place phone calls as part of its intended function. Automatic determination of a correct dialing sequence, therefore, is extremely important to the unattended operation of that computer application program. The present invention provides a method for automatically determining a proper dialing sequence without human intervention. If a dialing sequence is used that does not lead to a successful connection of the attempted call, the inventive method analyzes a result and attempts another dialing sequence. The results of attempted calls are used to update a database so that a proper dialing sequence may be more readily determined for placing a similar call in the future.

Claim 30 was objected to as being in an improper dependent form and failing to further limit the subject matter of the previous claim. Claim 30 has been amended in accordance with Examiner Swerdlow's suggestion. The amendment of claim 30 overcomes this objection.

Claims 30 and 32 were rejected under 35 U.S.C. §112, second paragraph for failing to particularly point out and distinctly claim the subject matter the Applicant regards as the invention. Claims 30 and 32 have been amended in

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accordance with Examiner Swerdlow's suggestion, thereby overcoming their rejection under 35 U.S.C. §112, second paragraph.

Claims 1, 21 - 27, and 30 - 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,597,875 for AUTOMATIC CALLER-ID CALL LOG DIAL BACK, issued July 22, 2003 to Edmund Thomas Burke et al. in view of United States Published Patent Application No. 2002/0137549 for TELEPHONE QUICK DIALING/REDIALING METHOD AND APPARATUS, published September 26, 2002 upon application by Swain W. Porter.

BURKE et al. teach a system whereby a number stored in an "aaa bbb-cccc" format (where aaa represents an area code, bbb represents an exchange, that is, a central office or CO designation, and cccc represents the actual intra-office identifier of the phone) may be called back in a proper format.

PORTER teaches a system wherein voice recognition technology is used to "recognize at least a number of pre-determined audio error messages". The audio error messages are commonly labeled intercept messages. Absent the recognition of any audio error message within a predetermined time, the PORTER system deems the call to have been successfully completed. If, however, the call has not been successfully placed (i.e., completed), the user of the phone may be queried for additional information specific to the error condition encountered. For example, the user may be prompted for a country code, or some other dialing prefix. PORTER fails to teach or suggest automatic determination of the proper dialing sequence for a dialed call. In other words, there is still a "man in the loop".

While the BURKE et al. apparatus and method bear some similarity to Applicant's novel method, there are at least two extremely significant differences: firstly, BURKE et al. fail to provide an updatable call result database. The Examiner suggests that the BURKE et al. look-up table 130 (BURKE et al. Figure 1) is analogous to Applicant's call result database. This is simply not the case. Applicant's dial result database

25 (Applicant's Figure 2) contains specific fields, enumerated in Applicant's Figure 3. Of specific interest are numeric-type data fields adapted to store incremented counts of dialing attempts, dialing failures, and dialing successes. In the embodiment chosen for purposes of disclosure, fields of the call result database include a numeric field indicating a method to be used for calling a particular area code and exchange (see Applicant's Figure 3). In the exemplary database structure, four possible methods are envisioned: Method 1, Method 2, Method 3, and Method 4. For each of these possible methods, Applicant's call result database 25 also includes three sets of result fields: method<sub>n</sub> attempts, method<sub>n</sub> connects (i.e., successful connections), and method<sub>n</sub> dial failures. BURKE et al. neither teaches nor suggests any such structure. Claim 1 has been amended to now specifically recite a database structure for the call result database specifically reciting at least one of the fields: a dialing method to use, a count of dialing attempts, a count of dialing failures, and a count of successfully connected calls. It is believed that this amendment to the claims clearly defines over BURKE et al. alone or in combination with PORTER.

The second significant difference between Applicant's system as disclosed and claimed and that of BURKE et al. is that Applicant's system is FULLY AUTOMATIC. In other words, both BURKE et al. and PORTER require human intervention to successfully place a call. Applicant's method does not. As Applicant's system is intended for use with computer software, this difference is significant. The different end uses of the BURKE et al. and PORTER systems (i.e., a caller placing a human-originated call) may well make the man-in-the-loop acceptable. Applicant's end use in a fully automated system, however, makes a man-in-the-loop totally unacceptable. Applicant has emphasized this point in his previous response. Claim 1, step (e) recites "AUTOMATICALLY determining a result of said dialing operation". Step (f) recites "AUTOMATICALLY storing said result in a record of said call result database associated with said retrieved phone number." Step (g) recites "AUTOMATICALLY determining if said dialed call has been successfully connected". Step (h) recites "if said dialed call has not been successfully completed, using at least said result to AUTOMATICALLY select another of said

Application. No. 10/688,056  
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predetermined set of dialing sequences." [Emphasis added] It would be difficult to make the point any more clearly that the Applicant's system is automatic. The prior art of record fails to anticipate or suggest such an automatic system.

Adding the teaching of PORTER still fails to suggest a call back system that operates FULLY AUTOMATICALLY. Neither does adding the teaching of PORTER suggest a call result database as disclosed and now claimed by Applicant. To reiterate, BOTH BURKE et al and PORTER require a man-in-the-loop to interpret the results of calls placed using an improper dialing sequence. There is simply no practical way that Applicant's system could function if such a man-in-the-loop were required.

The amendments to claims 1, 30, and 32 discussed hereinabove are believed to overcome the rejection of claims 1, 21 - 27, and 30 - 35 under 35 U.S.C. §103(a) as being unpatentable over BURKE et al. in view of PORTER.

Claims 28 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over BURKE et al. in view of PORTER and further in view of United States Patent No. 6,580,789 for AUTOMATED PREFIX DIALING SYSTEM, issued July 17, 2003 to Claude O. Simpson et al. As discussed hereinabove, Applicant's novel method is fundamentally different and patentably distinct from that of BURKE et al. and/or PORTER. Adding the teaching of SIMPSON et al. still fails to teach or suggest Applicant's automatic system having a call result database of the specific structure now claimed.

The Examiner has relied on SIMPSON et al. solely to teach the use of an alternate long distance carrier. Reciting an alternate long distance carrier in claims 28 and 29 is merely an added limitation to the independent claim now believed allowable. The amendments discussed hereinabove are believed to overcome the rejection of claims 28 and 29 under 35 U.S.C. §103(a) as being unpatentable over BURKE et al in view of PORTER and further in view of SIMPSON.

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Applicant believes that claims 1 and 21 - 35 are allowable and therefore respectfully requests that claims 1 and 21 - 35 be allowed and the application passed to issue.

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